

### **REMARKS**

Claims 1-43 are pending in the above-identified application. Claims 44-93 have been withdrawn. In the Office Action of March 11, 2004, the Examiner made the following dispositions:

- 2.) Rejected Claims 14, 25, 42, and 43 under 35 U.S.C. §112, second paragraph, as being indefinite.
- 3.) Objected Claims 34-41 as being of improper dependent form.
- 4.) Rejected Claims 1-43 under 35 U.S.C. §102(b) as being anticipated by *Suzuki* (U.S. 4,975,355).
- 5.) Rejected Claims 1-2, 5-6, 9-10, 13, 16, 18, 20, 22, 34, 46, 38, and 40 under 35 U.S.C. §102(b) as being anticipated by *Glezer* (U.S. 5,761,111).

Applicant addresses the Examiner's dispositions below.

- 2.) Rejection of Claims 14, 25, 42, and 43 under 35 U.S.C. §112, second paragraph:

The Examiner rejected claims 14, 25, 42, and 43 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has amended the claims taking into consideration the Examiner's comments. Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

- 3.) Objection of Claims 34-41:

The Examiner objected to claims 34-41 under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant has amended the claims taking into consideration the Examiner's comments. Applicant respectfully submits the objection has been overcome and requests that it be withdrawn.

4.) Rejection of Claims 1-43 under 35 U.S.C. §102(b) as being anticipated by *Suzuki*:

The Examiner rejected claims 1-43 under 35 U.S.C. 102(b) as being anticipated by *Suzuki*. Applicant respectfully disagrees. Though we do not necessarily agree with the Examiner's rejections, in order to expedite allowance Applicant has canceled claims 1-2, 4-6, 8-10, 12-13, 15-16, 18, 20, 22, 34, 36, 38, and 40 without traverse. Applicant reserves the right to pursue the original claims in subsequent applications. As amended, claim 3 discloses a recording medium comprising:

- (1) a recording layer having a recording area in which information A can be recorded;
  - (2) a protective film; and
  - (3) a substrate;
- wherein;
- (4) at least one of said protective film and said substrate is a light transmission layer and said light transmission layer is configured such that information B can be recorded therein as a change of refractive index, change of extinction coefficient, change of transmittance or change of reflectance of said light transmission layer.

At the minimum, *Suzuki* does not disclose a layer in a recording medium in which information B can be recorded as a change of refractive index, change of extinction coefficient, change of transmittance or change of reflectance of a protective film or substrate.

Accordingly, Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

5.) Rejected Claims 1-2, 5-6, 9-10, 13, 16, 18, 20, 22, 34, 46, 38, and 40 under 35 U.S.C. §102(b) as being anticipated by *Glezer*:

The Examiner rejected claims 1-2, 5-6, 9-10, 13, 16, 18, 20, 22, 34, 46, 38, and 40 under 35 U.S.C. §102(b) as being anticipated by *Glezer*. Though we do not necessarily agree with the Examiner's rejections, in order to expedite allowance Applicant has canceled claims 1-

2, 4-6, 8-10, 12-13, 15-16, 18, 20, 22, 34, 36, 38, and 40 without traverse. Applicant reserves the right to pursue the original claims in subsequent applications.

New claim 94 has been added. New claim 94 is similar to claim 3, but requires information A and information B to be part of the recited medium rather than merely requiring the medium to be capable of recording such information. No new matter has been added as this claim is supported by the originally filed specification.

Accordingly, Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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